

[Parties and Counsel Listed on Signature Pages]

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY PRODUCTS  
LIABILITY LITIGATION

This Document Relates To:  
  
ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

**JOINT STATUS REPORT ON  
FORENSIC IMAGING AND DEVICE  
DATA**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

Pursuant to Discovery Management Orders No. 8 and 9 (“DMO No. 8” and “DMO No. 9”), the Parties jointly provide this status report on forensic imaging and device data of Plaintiffs’ devices (hereinafter “Main Devices”)<sup>1</sup> as well as the Parties’ progress in conferring on certain other topics as directed by the Court.

### **I. Search Terms & Word Searchable Databases**

In DMO 9, the Court ordered the Parties “to finalize their agreed upon search terms by no later than August 16, 2024.” In the week following the August 8, 2024 DMC, the Parties continued to meet and confer on Bellwether PI Plaintiffs search terms and made significant progress on finalizing those terms. On August 16, 2024, the Parties filed a joint Stipulation and Proposed Order requesting a one-week extension to continue their conferrals to further narrow disputes regarding a small number of remaining search terms, which the Court granted. *See* ECF 1072. On August 23, 2024, the Parties filed an additional joint Stipulation and Proposed Order (1) noting that they had reached agreement on general search terms to be run across Bellwether PI Plaintiffs’ data sources, and (2) requesting a one-week extension until August 30, 2024 to continue their conferrals and attempt to narrow disputes regarding a small number of remaining case-specific search terms, which the Court granted. *See* ECF 1083.

### **II. Forensic Imaging**

In DMO 9, the Court ordered: (1) the Parties “work out an agreement regarding an appropriate procedure for dealing with CSAM on devices;” and (2) that Plaintiffs “produce full forensic imaging for the remaining thirty-one devices at issue by no later than **August 30, 2024.**” *Id.* 2:20–23. The Court further ordered that “[s]uch production shall be on a rolling basis with full imaging of a minimum of five

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<sup>1</sup> The Parties use the term “Main Devices” to refer to the Court’s definition in DMO 8 of devices from which information will be initially produced: “[A]ll devices (cellphones, tablets, laptops, computers, and the like) which are in each Bellwether PI Plaintiff’s possession, custody, or control and that they have habitually, routinely, or regularly used during the relevant time period to access the Defendants’ platforms.” Order at 8:24–9:25; Hrg. Tr. at 45:19–21.

1 devices due by August 16, 2024, a minimum of five additional devices due by August 23, 2024, and all  
2 remaining devices due by August 30, 2024.” *Id.* at 2:23–25.

3 As of the August 8, 2024, Discovery Management Conference, the Parties relayed that Plaintiffs  
4 completed full file system (“FFS”) images of 10 Main Devices. At the Court’s direction, Plaintiffs agreed  
5 to complete the FFS imaging of all Bellwether Plaintiffs’ Main Devices by August 30, 2024.

6 Seven additional FFS images were completed by August 16, 2024. On August 16, 2024, Plaintiffs  
7 provided Defendants with an updated table which indicated FFS extractions had been performed on a total  
8 of 17 Main Devices. On August 26, 2024, Plaintiffs provided Defendants with an updated table indicating  
9 that an additional 9 FFS images were completed and that FFS extractions had been performed on a total  
10 of 26 Main Devices.

11 The Parties are continuing to confer regarding an agreement to address CSAM produced to  
12 Plaintiffs’ counsel by Plaintiffs in the course of the production of forensic imaging data. Earlier today,  
13 the Parties presented their disputes regarding a CSAM protocol to Judge Kuhl for resolution at this  
14 Thursday’s case management conference, and the MDL parties agree that a substantively similar process  
15 for the MDL would be of benefit. The Parties agree that entry of a CSAM order should not hold up review  
16 or production of data from Plaintiffs’ devices. As directed by ECF No. 1077, the Parties will confer this  
17 week regarding agreed upon deadlines for the completion of production of files and data from the devices.

### 18 **III. Device Identifying Information**

19 In DMO 8, the Court ordered Plaintiffs to produce in chart form certain device and application  
20 identifying information. DMO 8 at 5–6. Because the Parties were not aligned on the content of the chart,  
21 the Court clarified its intentions in DMO 9 and ordered the Parties to meet and confer by August 16, 2024  
22 “regarding what should be included in the chart of missing device identifying information, after which  
23 Plaintiffs should begin supplementing the chart of agreed upon information.” DMO 9 at 3:21–23. The  
24 chart shall be organized in a sufficient manner such that each device can be readily identified with the  
25 corresponding data or files that are produced.” *Id.* at 3:11–13.

26 The Parties met and conferred on August 16, 2024 on the substance of a joint chart. Defendants  
27 agreed to omit the columns for “Estimated Routine Usage,” “Operating System History,” “Application  
28

Version,” “Date Application Installed” and “Date Application Deleted” from Appendix A for now, with the understanding Defendants may request that information in the future depending on the device data that Plaintiffs produce.<sup>2</sup>

As of August 26, Plaintiffs have provided:

- The serial number or ICCID number for 18 devices<sup>3</sup>;
- The IMEI, MEID, or MAC address for 26 devices<sup>4</sup>;
- The current operating system for 25 devices; and
- A list of applications on 20 devices.

Defendants provided an updated version of Appendix A to Plaintiffs on August 16, and Plaintiffs provided further responsive information on August 19 and on August 26, 2024. Plaintiffs have agreed to substantially complete the agreed upon information in Appendix A by August 30.

#### **IV. Datasets, Relevant Applications, and Production format and logistics**

During the July 11 hearing, Plaintiffs represented that they would produce relevant information from various data sources on Main Devices. Hrg. Tr. at 26:4–21, 34:15–21; *see also* Order at 6:6-12. In DMO 9, the Court ordered Plaintiffs to complete the “full forensic imaging for the remaining thirty-one devices at issue by no later than August 30, 2024,” with other interim rolling production deadlines. DMO 9 at 2:21-27; *Id.* 2:20–25; *see* ECF 1077. To date, Plaintiffs have not produced data and files from the Main Devices.

Plaintiffs provided a list of all applications on 20 Main Devices in Appendix A. Plaintiffs are currently working with their forensics vendor to identify the best way to compile various app usage data points from these device images in an effort to assist in identification of relevant applications in discussions with Defendants.

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<sup>3</sup> The quantity provided in the August 19 status report was erroneously inflated due to some MAC addresses being misplaced in the column dedicated for serial numbers and ICCIDs.

<sup>4</sup> Devices that connect only via Wi-Fi and do not have cellular capabilities do not need an IMEI or MEID. This includes many laptops, tablets, and some e-readers. Plaintiffs have provided other Device Identifying information (like MAC addresses and Serial Numbers) for these Wi-Fi only Main Devices.

1 The Parties intend to schedule a meet and confer between their ESI vendors following Plaintiffs'  
2 production of a substantially complete Appendix A.

3 **V. Lost Devices**

4 Based upon information provided by bellwether Plaintiffs in discovery responses and separate  
5 correspondence, several Plaintiffs have lost or disposed of Main Devices since filing their complaints. In  
6 addition, on August 22, Plaintiffs informed Defendants that Plaintiff Clevenger inadvertently performed  
7 a factory reset on her iPhone 13 in August 2024 after the Court ordered that Plaintiffs conduct a full file  
8 system extraction of all Main Devices. The Parties have met and conferred on some of these devices and  
9 will continue to meet and confer regarding any lost devices or data, and present any disputes to the Court  
10 in a timely fashion.

11 **VI. Supplemental Status Reports**

12 Given the Labor Day holiday next Monday, the Parties will provide a Supplemental Status  
13 Report to the Court on September 6, 2024, unless the Court directs otherwise.

14 Respectfully submitted,

15 DATED: August 26, 2024

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**ATTESTATION**

I, Andrea R. Pierson, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

Dated: August 26, 2024

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